

## REMARKS

Claims 1-15 are currently pending in the application. Claims 1, 6, and 12 have been amended herein. Accordingly, following the entry of this amendment, claims 1-15 will be pending in the present application.

---

Claims 1-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,035,877 to Losi, Jr. et al. (hereinafter referred to as "Losi"), apparently in view of U.S. Patent No. 6,076,770 to Nygren et al. (hereinafter referred to as "Nygren"). Applicants respectfully traverse the rejection.

Claim 1 is directed to a shelter frame, comprising: (a) at least first and second upwardly extending poles; (b) a linkage assembly linking the first and second poles, said linkage assembly having joints; (c) at least first and second fixed connectors pivotally securing first portions of said linkage assembly to said first and second poles respectively; (d) at least first and second sliding connectors pivotally securing second portions of said linkage assembly to said first and second poles respectively; (e) a connector locking assembly sized and shaped to lock said first sliding connector relative to said first fixed connector; and (f) a rolling element bearing interposed between mating members of said linkage assembly, wherein when said linkage assembly is folded and unfolded said mating members are operable to rotate about said rolling element bearing and cause movement of the rolling element bearing relative to said first fixed connector and said first sliding connector, and wherein said rolling element bearing moves in a plane that is substantially parallel to a plane that is defined by connection points of said first fixed connector, first sliding connector, and second fixed connector to said first and second poles respectively.

At the outset, it is submitted that Nygren is not analogous art. Nygren is directed to a complex truss structure that is contemplated for use in space structures such as satellites and the like. The truss described in Nygren has a polygonal structure when deployed, and sets of truss members are pivotally interconnected such that alternating sets of truss members fold inwardly and outwardly when the truss is folded. Such folding provides a folded truss that consumes relatively little volume, which is a major consideration for space applications. Such a truss is

significantly more complex than the linkage assembly as claimed. Because the truss of Nygren is directed towards space applications and teaches a structure that is unlike the structure of the claimed shelter frame, it is submitted that a person of ordinary skill in the art would not consider such a structure to be an analogous art to shelter frames. Because the structure of Nygren is not an analogous art, it is submitted that Nygren should not be considered as a reference in determining patentability of the claimed invention.

Furthermore, even if Nygren is considered as an available reference in determining patentability of the claimed invention, it is submitted that the Examiner has not established a *prima facie* case of obviousness. It is well established that in order to establish *prima facie* obviousness, an Examiner must meet three basic criteria. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. See MPEP § 2143. First, it is submitted that there is no suggestion or motivation to modify the references as described by the Examiner. Applicants note that the references are completely devoid of any suggestion or motivation of combining the references to produce the claimed invention. In the event that the Examiner believes that the references to provide such suggestion or motivation, it is respectfully requested that the specific portions of the reference(s) be particularly pointed out. Given that there is no suggestion or motivation in the references themselves, the Examiner must find that the suggestion or motivation to combine the references would be within the knowledge generally available to one of ordinary skill in the art. Applicants submit that, given the cited references are from vastly different fields of endeavor, one of ordinary skill in the art would have no suggestion or motivation to combine the references. In the event that the Examiner believes that such suggestion or motivation would have been available to one of ordinary skill in the art, Applicants respectfully request that the Examiner provide particular findings as to the reason a skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

Additionally, even assuming *arguendo* that there is a suggestion or motivation to combine the cited references, Applicants submit that the cited references do not teach or suggest all of the claim limitations. Claim 1 has been amended to more clearly point out the claimed

shelter frame, and the linkage assembly of the shelter frame. The truss structure of Nygren, as discussed above, provides sets of truss members that fold inwardly and outwardly to provide a compact structure when the truss is folded, and provide a polygonal structure when the truss is unfolded. The hinges (24, 40, 60) of Nygren provide for folding of alternating sets of truss members in alternating inward and outward directions. Such hinges provide no teaching or suggestion of a roller element bearing for a shelter frame, wherein the roller element bearing moves in a plane that is substantially parallel to a plane that is defined by the connection points of a first fixed connector, first sliding connector, and second fixed connector, as claimed. Thus, a *prima facie* case of obviousness has not been made.

Accordingly, it is submitted that Claim 1 is patentable over the cited references and is therefore allowable. Furthermore, claims 2-5 depend from independent claim 1, and it is submitted that these claims are allowable for at least the same reasons as described for claim 1.

Independent claims 6 and 12 contain similar limitations as discussed above, and it is submitted that these claims, and dependent claims 7-11 and 13-15, are also allowable for similar reasons as discussed with respect to claim 1.

---

No claim related or extension of time fees are believed to be due with this response. In the event any fees are due, please debit Deposit Account 08-2623.

---

The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested.

Respectfully submitted,  
HOLLAND & HART LLP

By: Kenneth C. Winterton

Kenneth C. Winterton  
Registration No. 48,040  
P.O. Box 8749  
Denver, Colorado 80201-8749  
(303) 473-2700, x2717

Date: Oct. 3, 2005